

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK

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YISROEL BRUCK, individually and on
behalf of a class

Plaintiff,

Case 7:19-cv-08262-VB

vs.

FORSTER & GARBUS, LLP;
and ABSOLUTE RESOLUTIONS
INVESTMENTS, LLC

Defendants.

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Motion to Amend the Amended Complaint

Plaintiff files this motion to amend the amended complaint. A proposed second amended complaint is attached to this motion. There were two main changes done to this proposed Complaint. First is the removal of claims under Section “g” asserting that Defendants did not provide the name of the original creditor to plaintiff. Second the removal of claims under Section “e” that Defendants made a false, misleading or deceptive representation about the identity of the original creditor.

I had asked Counsel for Defendants’ to consent to this amendment under FRCP 15(a)(2). We were making progress on proposed language for the second amended complaint that would be acceptable for both parties. In that regard, I sent over the proposed second amended complaint attached to this motion. Discussions

broke down when in response to a request for edits to this Complaint, Defendants' counsel wrote "Please, stop wasting my valuable time."

Federal Rule of Civil Procedure 15(a)(2) states that "The court should freely give leave when justice so requires." The policy behind this rule is that "[l]iberal amendment promotes judicial economy by making it possible to dispose of all contentions between parties in one lawsuit." *Bilt-Rite Steel Buck Corp. v. Duncan's Welding & Corr. Equip., Inc.*, 1990 WL 129970, at *1 (E.D.N.Y. Aug. 24, 1990) (citing *Jenn-Air Prods. v. Penn Ventilator, Inc.*, 283 F. Supp. 591, 594 (E.D. Pa. 1968)).

Conclusion

The Court should grant Plaintiff's motion to amend the Complaint with the proposed Complaint attached to this motion.

Dated this 4th day of June 2020.

Respectfully submitted,

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